

COMMON MARKET • EURATOM • COAL & STEEL COMMUNITY

BACKGROUND INFORMATION

November 28, 1960

THE ROLE OF THE COMMUNITY INSTITUTIONS  
IN EUROPEAN UNIFICATION

NOTE: Following are the statements made by the Presidents of the three Community executives in Strasbourg, October 12, in response to the European Parliament's request for the Presidents' views on the effects or possible future effects of the exchanges in recent months between the Governments of the Six on the role of the European institutions as provided for in the Treaties of Rome.

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STATEMENT BY PROFESSOR WALTER HALLSTEIN,  
PRESIDENT OF THE COMMISSION, EUROPEAN ECONOMIC COMMUNITY  
(COMMON MARKET)

The Commission so far has not made a public statement on this question. It has been kept informed by the governments of the member states, and for this it would like to express its gratitude. However, the ideas which were presented were not precise enough to be the subject of a definite statement. Moreover the Commission was convinced that the parties engaged in these discussions would agree that, for increased cooperation between the six governments, forms must be found which would be fully consonant with the requirements of our Community. The Commission is under the impression that its conviction has been justified. It has noted with satisfaction that Parliamentary circles and public opinion in the Community countries have given steady support to this process of clarification.

At this moment, even though we may be able to speak of a certain trend of thought, there is no question of a detailed plan, particularly as the governments of the member states have not yet officially defined their attitude. Under these circumstances I think I may be permitted to deal with the question of the possible effects which the plans now under discussion may have on our institutions, not by giving a detailed account of our attitude towards any particular projects, but rather by defining the considerations which should guide our attitude.

I shall start out from the following premises:

The Parliamentary question put by this house refers to a process which has become known in public discussion as the relance politique européenne. This term expresses the feeling that it is a grand design and the expectation that a movement has been set afoot which will bring us nearer to our goal, which is the political unification of our continent. Any effort that can bring us closer to this goal deserves not only the attention, but also the resolute cooperation of all who, out of conviction or because of their responsibilities, serve the European cause.

With regard to the effect of this process on the institutional structure of our Community, the basic factor in the Commission's appraisal of the situation is that this institutional structure is well balanced and has proved itself in practice. Therefore, everything should be done to safeguard and facilitate the

work of the existing institutions in the future so that they may make their full contribution to the flowering of our Community's economy, to the shaping and strengthening of Community consciousness, and to the steady advance of the nations and their citizens towards a Community which is also a political Community.

Appreciation of this institutional framework frequently suffers from a lack of terminological precision. Perhaps the use of terms borrowed from national governments -- for instance, the word "executive" -- has not always been helpful. The term "supranationality," too, with its vague implications, has helped to confuse rather than clarify ideas. Experience teaches us that the use of such ill-defined terms can easily lead to disputes about mere descriptions, and even purely verbal quibbles, when there is agreement on the substance itself. Therefore, it may not be superfluous to sketch briefly the main features of this institutional structure.

#### The Key Position of the Council of Ministers

The major economic decisions in the Community are made by the Council of Ministers whose members represent the will of the member governments in Community matters. On certain subjects, the Council decides by unanimous vote, and on other issues, whose number increases as times goes on, by a majority vote. I need not say that to incorporate our Community into an organization tied to the principle of unanimity would be tantamount to a decisive change, a weakening of our organization. It would reintroduce the veto which the Treaty has banished.

The Council, then, is the main institution, and it reconciles the interests of the member states with those of the Community. It is here, in particular, that common policies are settled and individual policies of the member states aligned within the framework of the Treaty. This is sensible, for, in the last resort, policy is indivisible. Not only is it impossible to take this or that part fully out of its context, but care must be taken to ensure that all its parts are fully dovetailed.

In the statement I made to this Parliament in June, I indicated that there were a number of practical problems to be solved so as to improve the Council's method of work and its efficacy. The Council and the Commission together are considering these points. Ways and means for more intensive cooperation between the Commission and the Permanent Representatives of the member states are also being considered.

#### The Commission - Dynamo of Unification and Guardian of the Treaty

In order to avoid compromises in the Council at a common denominator which falls short of the Community objectives spelled out in the Treaty, the Treaty contains not only substantive obligations binding on the members of the Community but also provisions concerning the institutions. Apart from the use of the majority principle to which I have referred, the most important of these provisions is the establishment of a Commission subject to control by the European Parliament.

As I have said, the major economic decisions on the Community are taken by the Council of Ministers. The Treaty confers the right of decision on the Commission only in cases wherein the decisions of principles have already been settled by the member states in the Treaty itself or by a Council decision and wherein only the application of these principles is left to an objective body which must enjoy a certain margin of discretion.

It is not, however, this right of decision which is characteristic of the Commission's rôle in the institutional system of the Treaty. Its rôle is in the first place to stimulate and to initiate. It is the body whose duty it is to make proposals and to prepare drafts. This rôle imposes two kinds of tasks on the Commission. In the first place, the Commission must act in order that the Council, in turn, may also act. This dynamic function is the Commission's duty under the Treaty. It is not a matter of choice.

The Commission is also the "guardian" of the Treaty. It must watch over its implementation. It must act whenever it discovers any infringement. If necessary, it must appeal to the Court of Justice. These tasks were explicitly conferred on the Commission by the governments of the member states when they concluded the Community Treaty and by the six Parliaments when they ratified it.

#### Independence with Responsibility

To enable it to carry out its tasks, the Commission has been vested with an important prerogative: it is independent of the member states. Instructions may neither be given by nor received from governments. By this safeguard, the Commission is enabled to be objective. In the sphere of economic policy, at least, there exists alongside the arbitrary and discretionary elements which are characteristic of all policy, certain relatively safe, objective criteria of what is good and what is not. This safeguard is intended to prevent, and in fact does prevent, the Commission from taking a biased view.

The Commission's attitude is not alien to or dissociated from that of the governments. Since the fundamental decisions are taken by the body -- the Council of Ministers -- in which the governments express their views, it is natural that the Commission should seek to keep in touch with the policy of the governments at all stages of its work, from the lowest administrative level up to cooperation with the Council of Ministers as stipulated in the Treaty. This may be regarded as the Commission's third function: that of an honest broker in finding compromises between the governments -- or, if you will, in intergovernmental any cooperation. There is, however, one reservation: as the guardian of the interest of the Community, the Commission can never offer its good offices for any arrangement which is not compatible with the Treaty.

If we further consider that representation and voting rights in Community affairs are carefully balanced out among the member states, we will find that there is a twofold guarantee: safeguards in economic affairs and the maintenance of the equilibrium between the partners which was accepted in the Treaty as fair and equitable. In other words, the danger of the Community's falling under a particular economic or political domination has been eliminated.

#### Parliamentary Control

If we survey this arrangement, we see that the Commission, if it were not independent, would lack a characteristic which is essential to its very being. Such independence is far from tantamount to irresponsibility. The Commission is sworn to the letter and the spirit of the Treaty as well as to the interests of the Community and of its constituent countries. The European Parliament is the strongest exponent of this responsibility. This Parliament is not only a consultative body where the will of the Community is constantly being crystallized, important though that part of its work is. It is also a controlling body. Our Community is a democratic Community and so there cannot be within it any executive organ without control. The Commission is controlled by the Parliament. It may be said that the Parliament's power to dismiss the Commission has so far been evident as a power in being rather than through exercise in practice. However, daily experience is teaching us that this control is not rendered less effective thereby, especially in the form of the continuous need to give account of our work to the Parliamentary committees.

In this way, a double safeguard is provided: since control lies with the European Parliament, any arbitrary or one-sided action of the Commission is prevented, and the interests of the member states are guaranteed, at least during the initial years, by the fact that the members of the European Parliament are at the same time members of their own national legislative bodies. Secondly, daily contact with the Parliament and the committees insures that the Commission's work remains closely linked to political reality.

### A Self-Contained Institutional System

As a whole, then, this institutional system is self-contained, effective, and free from any inherent contradiction. In addition, since it is not an end in itself, its worth can be gauged only by its suitability to the purposes for which it was established. These purposes are: in the short view, economic union, the merging of the economies of the six states -- what, in his historic declaration of ten years ago Robert Schuman called "solidarity in fact"; and, in the long view, political union.

### The Test of Experience

Today we need no longer rely on our imagination in applying this yardstick. We have behind us almost three years of experience in which the system has repeatedly been put to the test in all fields and at all levels of the Community's policy.

We can now say that our organization has thoroughly proved itself. The build-up and the translation into practice of our Community have gone forward according to plan. Cooperation between those responsible for the Community's affairs, and between them and authorities in the member states, is satisfactory and contains no more imperfections than are inherent in all the works of man. In the field of economic policy and indeed of economic activity, the integration of the member states is becoming closer and closer (statistics for the first half of 1960 show an increase of trade within the Community of almost 34 per cent over the figures for the first half of 1959). The Community as a fact and as a necessity is taking root more and more firmly in the consciousness of our nations. Internally and externally it stands secure and respected. I think there is as much agreement on all this as there is on the fact that any looser link-up would not have brought about these results.

Since the Community is not static but ceaselessly changing, the best guarantee of progress lies in its being well ordered. It is this, and not any spirit of conservatism, which makes us believe that the existing order of things should not be changed.

It goes almost without saying that we are glad of anything which means that our Community moves forward into the specifically political sphere. We are convinced that we are making a contribution to this advance when we affirm that the present institutional structure offers the best guarantee for the material and psychological strengthening of our Community within the framework of the Treaty.

### Summary

To sum up, the Commission, in the confident hope that it is expressing a general conviction, affirms

- that our Community is a success and that this success must be maintained, continued and intensified;
- that the existing institutions have contributed to this and will continue to do so;
- that this structure must be maintained in letter and in spirit;
- that this is the best way to further our aim of political union, which we maintain unchanged and undiminished, and which our work brings nearer;
- and that applause and encouragement should be given to any initiative which will take us beyond present achievements into the sphere of political unification.

STATEMENT BY ETIENNE HIRSCH  
PRESIDENT OF THE COMMISSION, EUROPEAN ATOMIC ENERGY COMMUNITY  
(EURATOM)

The question put by the presidents of the three Parliamentary groups indicates with what vigilance the whole Parliament follows all developments capable of affecting our institutions. On behalf of the Commission of the European Atomic Energy Community, I can only express our satisfaction and our gratitude.

In reply to the question, I can tell the Parliament, on the basis of the information currently available, that no government plans to propose or to accept anything which would call into question the Treaties instituting the Communities.

The Commission will continue, with the same faith and with the same confidence, to apply in its integrity the Treaty of Rome and to watch over its implementation.

The Commission expects that, in carrying out its task, it will have the benefit of the trust and support which the European Parliament has hitherto unstintingly granted.

The task involved is one which we have neither the right nor the wish to contest. But I should like to add that this does not imply a static position on our part. Proof of this is given by the proposal for structural rationalization which we put forward in presenting our last annual report and which received the approval of the Parliament.

It goes without saying that we shall give a favorable welcome and will aid, up to the limit of our means and our powers, any new development which, on the basis of the first pillars raised by the three Communities, benefiting from the European spirit of which they have given ample evidence, and assuring the implementation of the Treaties in their letter and their spirit, will contribute to the unification of Europe.

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STATEMENT BY PIERO MALVESTITI  
PRESIDENT OF THE HIGH AUTHORITY,  
EUROPEAN COAL & STEEL COMMUNITY

The High Authority has had no official information on the subject of the consultations which have taken place between the President of the French Republic and the heads of government of the other countries of the Community. It appears, moreover, from what has been published on this subject that these consultations are in a preliminary stage and that for the moment there are no concrete plans on which it would be possible to express a precise opinion.

The High Authority wishes, however, to emphasize two things:

- judging by the statements which have been made, there is no question of touching what has already been created; on the contrary, it is a matter of supplementing the European structure by new achievements in fields not covered by the existing Treaties;

- all consultations seem to have been based, for all the participants, on recognition of the absolute need to continue and strengthen the work of building Europe.

The High Authority, for its part, is happy that the consultations have opened on this basis; it regards the future with confidence. The High Authority will therefore continue with all its energy to carry out the tasks confided in it by the Treaty, and to contribute by all the means at its disposal to solving the problems which arise in the field of its powers.

Certainly, experience has shown that supranational powers are essential for the creation of a real, authentic European Common Market.

We shall therefore defend this principle because we are here concerned with technical necessities, without which we shall once again be plunged either into the system of unanimity - that is to say, in fact, the right of veto - or in a majority system involving the governments as such, in other words, the predominance of the strongest. Instead of arriving at a united Europe, we should fall back into a divided Europe.

While I reserve the development of these ideas until the next session in November, I felt it necessary to affirm here and now a principle on the subject of which any weakness on the part of those responsible would be inadmissible.

As I had the occasion to say in my first speech in this chamber as President of the High Authority, we have no alternative but to remain firm.

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